

JULY 29, 1988

J. D. Akenhead
Hazardous Waste Specialist
Nevada Small Business Development Center
College of Business Administration
University of Nevada - Reno
Reno, Nevada 8955-0100

Dear Mr. Akenhead:

This is in response to your July 8, 1988, letter concerning the regulatory status of dry cleaners who recycle spent cartridge filters. You should note that the following is an explanation of Federal rules. Individual States may adopt more stringent rules under their own authorities.

As explained to you by Mike Petruska in your telephone conversation of July 19, under Federal rules (40 CFR Section 261.5(c)), a generator should count only that hazardous waste that is subject to regulation when making the small quantity generator determinations in Section 261.5 or Section 262.34(d). See 40 CFR 261.5(c). Hazardous waste or minimal regulation that is directly recycled on-site (i.e., without prior storage) is not counted because presently EPA does not regulate on-site reclamation processes. (See the preamble discussion of March 24, 1986, 51 FR 10152, enclosed for your information.)

This means that, although the spent filters do in fact contain hazardous waste, a generator need not count them against the 100 kilogram monthly limit as long as he places the filter in the distillation unit directly, without intervening storage. Residues from the still would, however, have to be counted. If however, the dry cleaner must store or accumulate the spent cartridge filters before they are recycled, the "wet" filter when first removed from the unit would have to be counted in calculating the quantity of hazardous waste generated.

If you have further questions in this area, please contact Mike Petruska directly at (202) 475-9888.

Sincerely,

Sylvia K. Lowrance, Director
Office of Solid Waste

Enclosure

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U.S. E.P.A.
Sylvia Lawrence
Director, Office of Solid Waste
WH-562
401 M Street SW
Washington, DC 20460

Dear Sylvia:

Here at the Nevada Small Business Development Center, in conjunction with the Nevada Division of Environmental Protection, we are sponsoring an informational program to educate Small Quantity Generators on the present RCRA regulations. I confirmed my suspicions of the following problem with a call to the national RCRA hotline and will request something in writing on EPA policy regarding this problem:

A drycleaner removes a spent "wet" filter laden with perchloroethylene. He intends to recycle a large portion of the contained fluid. In terms of hazardous waste generation to be quantified regarding the drycleaner's status as being conditionally exempt or a SQG, should the weight of the "wet" filter when first removed be used for the quantification. or should the final weight of the treated filter be used?

I suspect the EPA policy under RCRA is to use the weight of the "wet" filter, this will undoubtedly qualify a large portion of the area drycleaners as SQG instead of being conditionally exempt. A representative of the health department and myself will be presenting a seminar for the dry-cleaning industry in the beginning of August. Since the industry may not be pleased with their SQG status, I would appreciate a timely reply so that I can rest assured that I am distributing the right information.

Thank you.

Sincerely,

J.D. Akenhead
Hazardous Waste Specialist

FaxBack # 11359